Remarks/Arguments

The Examiner has objected that claims 1, 2, 5, 6 and 25 are anticipated by Hummer (U.S. patent 6,112,680). In making this objection, the Examiner says that the opposing actuator rods 42 of Hummer are a form of clamp, and that the opposing actuator rods 42 clamp the grass blades of the sod.

The Hummer mechanism is in fact very different from the applicant's mechanism, and therefore applicant's claim 1 has been amended to define more clearly what is meant by "clamp". As described for example at page 6, lines 24 to 28 of the applicant's specification, an important feature of the clamp is that it has two jaw portions, at least one of which can move toward the other and will press against the other if there is nothing between the two jaw portions to be clamped. If an item to be clamped is present, then that item will be gripped between the jaws. This is now recited in amended claim 1.

Amended claim 1 distinguishes from the Hummer reference, since in the Hummer reference the actuator rods can never press against each other. Instead, and as best shown in Fig. 4 of Hummer, the actuator rods 42 penetrate the turf tile, making large holes in the turf. In fact, one of the purposes of the Hummer reference is to have the actuator rods supported to have a shallow insertion angle, rather than generally vertically (see e.g. column 1, lines 40 and following) so that the holes made in the sod by the actuator rods will be easier to close and will not be so noticeable.

Hummer does not refer to his actuator rods as forming a clamp, because they do not constitute a clamp, at least not in the conventional sense of the term, since they can never press against each other or clamp anything between them. For example, they do not and cannot clamp grass blades between them (as recited in amended claim 2) since they do not press the grass blades between them.

The applicant's method, as recited in claim 1, has major advantages over a mechanism which "stabs" holes in the sod. With the applicant's method, the support provided to the sod piece being lifted can be as large as is needed (which is important because sod is often heavy), without the need for numerous penetrating rods or needles, and there are no large holes in the sod which need to be repaired.

In addition, and as claimed in claim 2, it is submitted that it is a totally unique concept to grip and lift a piece of sod by the grass blades. Grass blades are well-known to be delicate and sod is well-known to be heavy, and it is submitted that the idea of lifting a heavy sod piece by its delicate grass blades has never previously occurred to anyone and is not suggested by Hummer.

It is therefore submitted that the claims under consideration (claims 1, 2, 5, 6 and 25) are allowable.

In addition, it is submitted that claim 1 is generic to the further claims dependent thereon, namely claims 3, 4, 7 and 8. Allowance of these claims is therefore also respectfully requested.

Finally, a new claim 26 has been added. It is submitted that claim 26 may be examined with claim 1, since it is very similar to claim 2 although it uses different language. Claim 26 covers the feature of lifting a piece of sod by gripping its grass blades so that the sod is suspended from the grass blades. As mentioned in connection with claim 2, it is submitted that lifting and suspending a piece of sod by the grass blades is a completely new and unobvious method. Because sod is so heavy, no one, so far as is known, has ever thought of lifting the heavy sod by its delicate grass blades. Hummer does not do so; Hummer supports the sod by rods which pierce the earth of the sod.

It is therefore respectfully submitted that claim 26, like the other claims discussed, is patentable.

If the Examiner has any questions, or if we may be of further assistance, it would be appreciated if you would telephone, collect if necessary, to Richard Parr at (416) 364-7311.

Respectfully submitted,
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